

REMARKS

Claims 1-45 are pending. Claims 17-21 and 29-45 are allowed. Claims 1-5, 7-8, 10-11, and 22-27 are rejected under 35 U.S.C. § 102(e). Claims 9 and 12-16 are rejected under 35 U.S.C. § 103(a). Claims 6 and 28 are objected to as depending from a rejected base claim. Claims 1, 4, 7, 12, 22, and 25 are currently amended.

Examiner has objected to claims 4, 7, and 12 for cited informalities. Applicants have amended claims 4, 7, and 12 as suggested by Examiner.

Claims 1-5, 7-8, 10-11, and 22-24 are rejected under 35 U.S.C. § 102(e) as being anticipated by Dobrica (U.S. Pat. No. 6,070,086). Claim 1 recites "a measurement circuit coupled to receive *a first input signal from a first antenna of a transmitter* and coupled to receive *a second input signal from a second antenna of the transmitter*, each of the first and second input signals being transmitted at a first time, the measurement circuit producing an output signal corresponding to at least one of the first and second input signals." Independent claim 22 recites "*receiving a plurality of input signals being transmitted at a first time, the plurality of input signals corresponding to a respective plurality of antennas at a remote transmitter.*" (emphasis added). Dobrica fails to disclose the emphasized limitations. Thus, claims 1-5, 7-8, 10-11, and 22-24 are patentable under 35 U.S.C. § 102(e) over Dobrica.

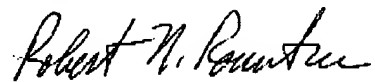
Referring to Figure 2, Dobrica discloses diversity reception at a base station having two receive antennas. (col. 6, lines 2-3). Dobrica fails to disclose that received signals at these receive antennas are transmitted from first and second antennas of a remote transmitter as required by claim 1. Dobrica also fails to disclose a plurality of input signals transmitted at a first time corresponding to a respective plurality of antennas at a remote transmitter as required by claim 22. Moreover, Dobrica specifically discloses a single transmit antenna connected to an output of transmit modulator 70. Thus, antennas 1 and 2 of Figure 2 cannot both be first and second antennas or a plurality of antennas of a remote transmitter as required by claims 1 and 22. They are neither remote

nor transmit antennas. Thus, claims 1-5, 7-8, 10-11, and 22-24 are patentable under 35 U.S.C. § 102(e) over Dobrica.

Claims 25-27 are rejected under 35 U.S.C. § 102(e) as being anticipated by Greenstein et al. (U.S. Pat. No. 6,131,016). Claim 25 specifically recites "A method of processing signals for a communication system, comprising the steps of: receiving at least one control signal transmitted from an external source at a first time; *producing a transmit power level corresponding to at least one of a plurality of antennas in response to the control signal*; and transmitting a plurality of signals to the external source at a respective said transmit power level at a second time from a respective said plurality of antennas." (emphasis added). Greenstein et al. disclose setting weighting factors to maximize received power for a given transmit power. (col. 5, lines 30-33). This same concept is repeated in claims 4 and 10 by Greenstein et al. There is no teaching or suggestion that Greenstein et al. might produce a transmit power level of each of a plurality of antennas in response to a control signal as required by claims 25-27. In fact, Greenstein et al. specifically teach that transmit power remains constant or given. Greenstein et al., therefore, fail to disclose modification of transmit power to advantageously minimize total interference power within a cell as with the present invention. Thus, claims 25-27 are patentable under 35 U.S.C. § 102(e) over Greenstein et al.

In view of the foregoing, applicants respectfully request reconsideration and allowance of claims 1-45. If the Examiner finds any issue that is unresolved, please call applicants' attorney by dialing the telephone number printed below.

Respectfully submitted,



Robert N. Rountree
Attorney for Applicants
Reg. No. 39,347

Robert N. Rountree, LLC
70360 Highway 69
Cotopaxi, CO 81223
Phone/Fax: (719) 783-0990